



& Associates

M E M O R A N D U M

TO: Joint OTC/LCDC Transportation Subcommittee
FROM: Frank Angelo
DATE: September 16, 2005
CC:
FILE #: 009-005
RE: September 23rd Joint Subcommittee Meeting – Overview of Agenda Topics

The September 23rd Joint OTC/LCDC Transportation Subcommittee will be the final meeting prior to the anticipated filing of the Secretary of State Notice of Administrative Rule amendments scheduled for October 14, 2005. At the September 23rd meeting, staff will present the final package of recommended amendments to OAR 660-012 and OAR 660-004 for consideration by the Joint Subcommittee to forward to the rulemaking process. The following provides a list of the topics for final action at the upcoming Joint Subcommittee meeting.

1. Section 660-012-0000 (Purpose Statement). Staff has prepared suggested amendments to this section based on discussions at two meetings with the TPR Work Group and consideration of written comments received in August. A memorandum detailing the suggested amendments to address the Purpose Statement has been provided. Copies of the written comments received from TPR Work Group members and stakeholders have also been provided.
2. MPO Recommendations. Staff met with MPO representatives on July 27th to discuss the scope of the MPO recommendations. This topic was also discussed at two TPR Work Group meetings, with MPO representation at each meeting. A memorandum from Bob Cortright detailing the suggested amendments to address the MPO issues has been provided.
3. Section 660-012-0070 (Exceptions for Transportation Improvements on Rural Land) and OAR 660, Division 4. Staff has prepared final amendments to Section 0070 as well as conforming amendments to Division 4 and to Section 660-012-0005 (definition of Minor Transportation Improvements). Minor amendments from the version the Joint Subcommittee reviewed on July 19th have been made to the document. A memorandum detailing the suggested amendments to address this topic has been provided. As well, a

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memo from Rob Zako, 1000 Friends of Oregon, is included in the packet. Department of Justice staff will be prepared to address this topic at the meeting.

4. Section 660-012-0050 (Transportation Project Development). Staff has prepared final amendments to Section 0050. Minor amendments from the version the Joint Subcommittee reviewed on July 19th have been made to the document. A memorandum detailing the suggested amendments to address this topic has been provided.
5. Minor Amendments and Housekeeping Amendments. This is new information for the Joint Subcommittee. Following the July 19th meeting, staff identified a small set of minor amendments and housekeeping items that it believes could be made in the upcoming set of administrative rule amendments. These topics are felt to be non-controversial and were reviewed with the TPR Work Group at its September 9th meeting. No concerns on these topics were raised by the Work Group. A memorandum from Bob Cortright is provided detailing these suggested amendments.

The five items noted above represent the complete set of amendments that staff is recommending be included in the filing of the Secretary of State Notice of Administrative Rule amendments by October 14, 2005. Following this filing, staff will prepare for publication by November 1, 2005 the final version of proposed Administrative Rule amendments. The first Land Conservation and Development Commission public hearing is tentatively scheduled to occur on November 30, 2005. The second LCDC public hearing on the administrative rule amendments is tentatively scheduled to occur on February 2, 2006.

OAR 660-0012-0060 Guidelines

In addition to the above items, at the July 19th meeting the Joint Subcommittee requested that staff provide a draft set of Guidelines that discuss implementation of the amendments that were made to OAR 660-012-0060 and adopted by LCDC in March 2005. At the meeting, staff reviewed two graphics describing the implementation process for plan amendments subject to Section 0060 inside and outside of Interstate Interchange areas. Since that meeting staff has prepared more detailed narrative describing the Section 0060 process particularly as it affects state highway facilities. The narrative includes guidelines that ODOT staff can consider when commenting on amendment applications filed with local governments, including guidelines for determining whether planned improvements to state highways are reasonably likely to occur by the end of the planning period.

Staff will present the draft Guidelines on September 23rd. This is an information item for the Joint Subcommittee – no formal action is requested. However, staff will be interested in receiving comments or thoughts on whether the Guidelines accurately reflect the Joint Subcommittee's expectations regarding implementation of the Section 0060 changes that LCDC adopted in March 2005.